



# CITY OF MEMPHIS

## COUNCIL AGENDA

March 23, 2010

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

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**CALL TO ORDER by the Sergeant-at-Arms**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**CALL OF ROLL by the Comptroller**

**APPROVAL OF PREVIOUS MEETING MINUTES (March 9, 2010)**

**ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ITEMS HELD OR DROPPED FROM THE AGENDA**

**PRESENTATIONS AND RECOGNITION OF VISITORS**

1. RESOLUTION honoring Stan Bell for his good works and positive impact in the community. (Held from 3/9)

Ford

ACTION REQUESTED: Adopt the resolution

2. RESOLUTION declaring April 4-10, "Think Before You Act Non-Violence Week in memory of Dr. Martin Luther King, Jr."

Lowery

ACTION REQUESTED: Adopt the resolution

3. RESOLUTION congratulating the Humes Preparatory Middle School Boys Basketball Team on their win as 2010 Small Division City Champions.

Fullilove

ACTION REQUESTED: Adopt the resolution

**PUBLIC HEARING**

4. RESOLUTION approving a planned development located on the northwest corner of Airways Boulevard and Memphis Depot Parkway, containing 11.02 acres in an area currently governed by Memphis Depot Business Park Planned Development (P.D. 04-378).

Ford

Case No. PD 10-301

Applicant: Depot Redevelopment Corporation  
SR Consulting, LLC - Representative

Request: Plan amendment to add a parcel for a new Area 'A-3' to allow office use; increase the Common Open Space in Area 'B-3' for future detention; including the location of a pump house in Area 'C-2' of the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action deems advisable

**10 NOTICES MAILED ON MARCH 12, 2010**

**DIVISION OF PLANNING & DEVELOPMENT**

5. RESOLUTION approving a hotel waiver for Sun Inn located at 1543 Elvis Presley Boulevard. (Held from 3/9)

Ford

Case No. HMW 10-01

ACTION REQUESTED: Adopt the resolution

6. RESOLUTION approving a use variance located on the southwest corner of Trinity Road and Sanga Road, containing 0.83 acre in the Neighborhood Commercial (C-N) District.

Ford

Case No. UV 10-04

Applicant: TV6-W, LLC – Billy Orgel

Request: Cell Tower, 160 feet in height (Flush Mount Antennae)

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**No Opposition at LUCB: No Public Hearing Required**

7. RESOLUTION approving a special use permit located on the southeast corner of Riverdale Road and Holmes Road, containing 1.6 acre in the Planned Commercial (P-C) District.

Ford

Case No. SUP 10-204cc

Applicant: Tower Ventures V  
Prime Dev. Group. Inc. – Michael J. Fahy- Representative

Request: Cell Tower, 160 ft. monopole, slick-stick design

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**No Opposition at LUCB; No Public Hearing Required**

**ZONING ORDINANCE – THIRD AND FINAL READING**

8. **ORDINANCE** rezoning the northwest corner of North Bellevue and Smith Avenue, containing 0.26 (11,325.60 sq. ft.) in the Local Commercial (C-L) District, up for T H I R D and F I N A L reading. (Held from 1/26; 2/23)

Ford

Ordinance No. 5342  
Case No. Z 09-107

Applicant: Wolf River Site Development, LLC

Request: Highway Commercial (C-H) District

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

**108 NOTICES MAILED ON JANUARY 15, 2010**



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## CONSENT AGENDA

### GENERAL ORDINANCES - FIRST READING (None)

### GENERAL ORDINANCES - SECOND READING

9. **ORDINANCE** amending City of Memphis Code of Ordinances, Section 20-28, relative to Panhandling, up for S E C O N D reading.

Lowery

Ordinance No. 5348

ACTION REQUESTED: Adopt the ordinance on Second reading

10. **ORDINANCE** to create the City of Memphis Alcohol Impact Area, up for S E C O N D reading.

Lowery

Ordinance No. 5349

ACTION REQUESTED: Adopt the ordinance on Second reading

### ZONING ORDINANCE - FIRST READING (None)

### ZONING ORDINANCE - SECOND READING

11. **ORDINANCE** rezoning the northwest side of S. Third Street; +/-191.93 feet northeast of W. Holmes Road, containing 1.21 acres in the Single Family Residential (R-S6) and Highway Commercial (C-H) Districts, up for S E C O N D reading.

Ford

Ordinance No. 5350

Case No. Z 10-101

Applicant: Howard and Lawrence Lipman  
SR Consulting, LLC - Representative

Request: Highway Commercial (C-H) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

**ENGINEERING**

12. RESOLUTION accepting HACKS BILL MORRIS PARKWAY, P.D., and authorizing release of bond.

Case No. PD 05-313cc  
(Contract No. CR-5097)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located at the southeast corner of Hacks Cross Road and Bill Morris Parkway. The standard improvement contract was approved on October 16, 2007. Resolution also authorizes the release of the performance bond in the amount of \$200,000.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

**NOTATIONS FROM OPD**

13. NOTATIONS from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

A. Case No. PD 10-303 – Kirby Gate South P.D., 4<sup>th</sup> Amendment

Located on the south side of Quince Road, beginning 600 feet west of Kirby Parkway and extending west to Wheels Cove, containing 54.8 acres in an area currently governed by the conditions for P.D. 05-355

Applicant: KG Land, LLC (Walter Willis)  
Fisher and Arnold, Inc., David Baker – Representative

Request: Amendment to Kirby Gate P.D. to add office showroom,  
automobile service and restaurant with drive thru windows

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. PD 10-304 – Memphis Drum Shop P.D.

Located on the southwest corner of Blythe Street and Nelson Avenue, containing 0.45 acre in the Single Family Residential (RS-6) District

Applicant: MDS Realty, LLC – (Jim Petitt)  
David W. Milem Consulting Engineer – Representative

Request: 1) Re-use church for storage, audio-visual recording studio,  
student lessons and upstairs apartment; 2) Maintain existing single  
family house; 3) Provide parking for drum shop staff; 4) Permit  
temporary tents (3 year) for special events

LUCB and OPD recommendation: APPROVAL, with conditions

**GENERAL ITEM**

14. RESOLUTION recognizing the “Spirit of Memphis” celebration and activities.  
Ford

ACTION REQUESTED: Adopt the resolution

**ACTION REQUESTED: Set a date of public hearing**

**SUGGESTED DATE: April 13, 2010**



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### MLGW FISCAL CONSENT

15. RESOLUTION approving Change No. 7 to Contract No. 9955, Partial Funding of Pollution Control, Ground Water Quality Control Program, with Memphis & Shelby County Health Department in the funded amount of \$140,267.60. (This change renews the contract for 2010 and includes a decrease in meters from the previous year).
16. RESOLUTION approving Change No. 1 to Contract No. 11279, Third Party Administrator for Worker's Compensation, with Brentwood Services Administrators, Inc. in the funded amount of \$130,000.00. (This change renews the contract for the first of six renewal terms, January 1, 2010 to December 31, 2010, with no increase in rates).
17. RESOLUTION awarding contract to Union Metal Corporation for galvanized steel expressway poles in the amount of \$51,900.00.
18. RESOLUTION awarding 12-month contract to Polypipe, Inc. for polyethylene pipe in the amount of \$183,211.34.
19. RESOLUTION awarding contract to Logicalis, Inc. for maintenance and support of Bindview software in the amount of \$36,055.88.



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## REGULAR AGENDA

### GENERAL ORDINANCES -THIRD AND FINAL READING

20. **ORDINANCE** to amend Cable Franchise Ordinance No. 4159, extending the Franchise Ordinance as amended, up for T H I R D and F I N A L reading. (Held from 12/1; 12/15; 1/26; 2/23)

Boyd

Ordinance No. 5331

ACTION REQUESTED: Take whatever action Council deems advisable

21. **ORDINANCE** amending Chapter 2 Code of Ordinances, City of Memphis, to amend certain sections of 2-291 relating to Real Property, up for T H I R D and F I N A L reading.

Hedgepeth

Ordinance No. 5346

ACTION REQUESTED: Take whatever action Council deems advisable

22. **REFERENDUM ORDINANCE** to amend the Charter of the City of Memphis, same being Chapter 11 of the Acts of 1879, as amended, pursuant to the provisions of Article 11, Section 9 of the Constitution of the State of Tennessee (Home Rule Amendment) so as to repeal the procedure staggered terms and to provide for the Election of the Memphis City Council, Office of the Mayor and City Court Clerk, to Four-Year Terms, up for T H I R D and F I N A L reading.

Strickland

Ordinance No. 5347

ACTION REQUESTED: Take whatever action Council deems advisable

### ENGINEERING DIVISION (None)

### EXECUTIVE DIVISION

23. **RESOLUTION** accepting grant funds in the amount of One Hundred Twenty Thousand Dollars, (\$120,000.00) from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One Career Readiness Grant. Resolution also amends the FY 2010 Operating Budget to establish and appropriate grant funds.

Conrad

ACTION REQUESTED: Adopt the resolution



**FINANCE & ADMINISTRATION** (None)

**DIVISION OF FIRE SERVICES** (None)

**DIVISION OF GENERAL SERVICES** (None)

**DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT** (None)

**DIVISION OF HUMAN RESOURCES** (None)

**LAW DIVISION** (None)

**MLGW DIVISION** (None)

**PARK SERVICES** (None)

**DIVISION OF POLICE SERVICES** (None)

**DIVISION OF PUBLIC SERVICES** (None)

**DIVISION OF PUBLIC WORKS**

24. RESOLUTION appropriating \$143,452.00 funded by G.O. Bonds General (Storm Water) for Lenox Drainage District, Project Number ST03026 for a construction contract with Madden Phillips Construction, Inc.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

**GENERAL ITEM**

25. RESOLUTION requesting immediate reinstatement of Memphis Police Officers to City Hall Security.

Brown

ACTION REQUESTED: Adopt the resolution

**APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ADJOURNMENT**